

**DOCUMENT RESUME**

02403 - [A1592574]

[Protest Concerning Alleged Solicitation Improprieties].  
B-188824. June 1, 1977. 1 pp.

Decision re: Veterans Memorial Association, Inc.; by Paul G.  
Dembling, General Counsel.

Issue Area: Federal Procurement of Goods and Services (1900).  
Contact: Office of the General Counsel: Procurement Law I.  
Budget Function: General Government: Other General Government  
(806).

Organization Concerned: Department of Housing and Urban  
Development.

Authority: Department of Housing and Urban Development Act (P.L.  
89-174, sec. 5(a); 79 Stat. 669; 42 U.S.C. 3534). 12 U.S.C.  
1713(1). 12 U.S.C. 1702. B-188283 (1977).

Association protested alleged improprieties in the  
Department of Housing and Urban Development's (HUD) handling of  
a solicitation for proposals from nonprofit organizations for  
the purchase and operation of a low income housing project in  
Oklahoma. GAO has no legal basis to question Secretary of HUD's  
broad statutory authority to expend public funds. The protest  
was not considered. (Author/DJM)

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DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548

J. Cohen  
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FILE: B-188824

DATE: June 1, 1977

MATTER OF: Veterans Memorial Association, Inc.

DIGEST:

Protest alleging improprieties in HUD's handling of solicitation issued pursuant to 12 U.S.C. § 1713 (1970) will not be considered, since GAO has no jurisdiction to decide such protests because Secretary of HUD has broad authority pursuant to 12 U.S.C. § 1702 (1970) to make expenditures "without regard to any other provisions of law governing the expenditures of public funds."

Veterans Memorial Association, Inc., protests alleged improprieties by the Department of Housing and Urban Development (HUD) in its handling of a solicitation for proposals from non-profit organizations for the purchase and operation of the Cherokee Terrace Apartments, a low-income housing facility in Enid, Oklahoma.

Pursuant to 12 U.S.C. § 1713(1) (1970), the Secretary of HUD may dispose of property notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real property by the United States. Furthermore, 12 U.S.C. § 1702 (1970) authorizes the Secretary in pertinent part (1) to make such expenditures as are necessary to carry out the disposal of property and other functions without regard to any other provisions of law governing the expenditures of public funds and (2) to sue and be sued in any court of competent jurisdiction. While this authority formerly resided in the Commissioner of the Federal Housing Administration (FHA), it was transferred in 1965 to the Secretary of HUD by the Department of Housing and Urban Development Act, Pub. L. No. 89-174 § 5(a), 79 Stat. 669, 42 U.S.C. § 3534 (1970).

In light of the extraordinary authority granted the Secretary of HUD by 12 U.S.C. § 1702, our Office has no legal basis to question the Secretary's expenditure of funds and in no basis to approve or to take an exception to the Secretary's accounts. Therefore, the protest will not be considered. E. L. Spencer Lumber Co., and John Ellis, B-188283, February 23, 1977, 77-1 CPD 134.

*Paul G. Dembling*  
Paul G. Dembling  
General Counsel